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MINISTERIAL MEETING ON THE CREATION
OF AN EFFECTIVE UNITED NATIONS
CRIME PREVENTION AND CRIMINAL
JUSTICE PROGRAMME
Paris, 21-23 November 1991
Item 4 of the provisional agenda*

CREATION OF AN EFFECTIVE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME, IN PURSUANCE OF GENERAL ASSEMBLY RESOLUTION 45/108

Possible implications of the programme proposed by the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme for the resources and organization of the Secretariat

Note by the Secretary-General

1. In paragraph 3 of its resolution 45/108 of 14 December 1990, the General Assembly requested the Secretary-General, in preparation for the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, to assess the possible implications of the programme proposed by the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme for the resources and organization of the Secretariat and to report thereon to the Ministerial Meeting and to the Committee on Crime Prevention and Control.

2. Under the terms of the draft resolution contained in paragraph 10 of document A/CONF.156/2, the Ministerial Meeting would recommend to the General Assembly that it:

(a) Approve the statement of principles and programme of action, annexed to the resolution, recommending the establishment of a United Nations crime prevention and criminal justice programme;

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(b) Request the Secretary-General to take the necessary action within the overall existing United Nations resources and to provide appropriate resources for the effective functioning of the United Nations Crime Prevention and Criminal Justice Programme in accordance with the principles outlined in the statement of principles and programme of action;

(c) Request the Economic and Social Council, at its 1992 regular session:

(i) To dissolve the Committee on Crime Prevention and Control;

(ii) To establish the Commission on Crime Prevention and Criminal Justice as a new functional commission of the Economic and Social Council, in accordance with the recommendations contained in the statement of principles and programme of action;

(iii) To retain for the United Nations Crime Prevention and Criminal Justice Programme, without prejudice to additional funds that may be made available by the Secretary-General, all funds currently allocated to the Programme, as well as any savings realized by restructuring;

(iv) To endorse the role and functions of the United Nations congresses on the prevention of crime and the treatment of offenders, in accordance with the recommendations contained in the statement of principles and programme of action.

3. The statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to the draft resolution, elaborates on new objectives and goals for crime prevention and criminal justice and contains a number of recommendations to enhance the institutional framework for the activities of the United Nations in this area.

4. The scope of the proposed programme of action has been analysed against the activities adopted by the General Assembly under programme 29 of the medium-term plan for the period 1992-1997 1/ and subsequent mandates adopted by the Assembly in the area of crime prevention and criminal justice at its forty-fifth session. The proposed programme of action has also been compared with the activities contained in section 21 of the proposed programme budget for the biennium 1992-1993. 2/ The programme of action emphasizes an effective and practical assistance to Member States through the strengthening of regional and international cooperation in crime prevention, criminal justice and the combating of transnational crime. Research and studies would be undertaken at the regional and global levels on specific prevention issues and criminal justice measures. Regular international surveys would assess trends in crime and developments in the operation of criminal justice systems and in crime prevention strategies. Exchanges and dissemination of information on crime prevention and criminal justice would be intensified.

5. Such activities would include:

(a) Assisting developing countries in modernizing their legislation and procedures and in developing criminal codes and laws, both substantive and procedural, tailored to their legal systems, cultures, traditions and special needs, including the development of model laws and other prototypes; developing educational materials and training curricula for use by all concerned; developing and implementing policies to assure the administration of criminal sanctions in a manner consonant with universally accepted standards; maintaining internationally standardized methods of data collection and exchange on topics agreed upon by Member States and, in particular, the timely exchange of criminal justice statistics;

(b) Creating a favourable international climate for combating crime through the development of means of recourse and redress for victims of crime and abuse of power; helping Member States in developing preventive measures to reduce problems of transnational crime; and promoting voluntary and cooperative efforts by States to counteract such forms of crime and to evaluate, on a continuing basis, the practical potential for international responses to crime, through permanent or temporary institutions of a universal or regional character.

6. The above recommendations call for the following comments:

(a) The medium-term plan for the period 1992-1997 as approved by the General Assembly at its forty-fifth session includes programme 29, Crime prevention and criminal justice. 1/ This programme has three subprogrammes, namely, subprogramme 1, Collaborative action against transnational crime; subprogramme 2, Crime prevention planning and criminal justice management; and subprogramme 3, Crime prevention and criminal justice standards and norms. Subprogramme 1 has been designated as high priority. The activities outlined in paragraphs 4 and 5 above might call for a revision of this programme. Such revision would be presented to the General Assembly at its forty-seventh session through the Committee for Programme and Coordination;

(b) Section 21, Social development and humanitarian affairs, of the proposed programme budget for the biennium 1992-1993 2/ includes subsection D, Crime prevention and criminal justice, with a number of activities proposed under the three subprogrammes of the medium-term plan. These activities stem from existing mandates, including the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/28), as endorsed by the General Assembly at its forty-fifth session. The resource requirements from the regular budget amount to $3.3 million in rounded terms, including the financing of 17 posts;

(c) The activities outlined in paragraphs 4 and 5 above would seem to represent a significant expansion of the international cooperation component of the proposed programme budget for the biennium 1992-1993. Such expansion would appear to call for additional resources. The recommendation made by the Intergovernmental Working Group for a change in the organizational structure

of the Secretariat responsible for the implementation of programme 29 of the medium-term plan would also call for additional resources. At present, the Crime Prevention and Criminal Justice Branch is part of the Division for Social Development of the Centre for Social Development and Humanitarian Affairs. Should the Branch become a Division, it would remain part of the Centre and it could be headed by a Director at the D-2 level. It might also require additional Professional posts and some increases in other objects of expenditure. For example, an estimate of $19,800 is proposed for consultants for the biennium 1992-1993. Such estimate might not be sufficient to accommodate the various studies that would be called for under the new programme of action;

(d) Additional requirements for the biennium 1992-1993 should, however, be seen in the following context. First, the proposed programme budget for the biennium 1992-1993 is currently being considered by the Fifth Committee of the General Assembly. Secondly, a recommendation of the Intergovernmental Working Group to the Ministerial Meeting is that the Secretary-General be requested to take the necessary action within the overall existing United Nations resources (see para. 2 (b) above). This appears to call for redeployment either within section 21 or among sections of the proposed programme budget. Such redeployments would require a careful analysis of the resources required for the implementation of the mandated programmes of the Organization, in the light of the priorities established by the General Assembly. For these reasons, it would seem desirable to defer to the forty-seventh session of the General Assembly the submission of the possible budgetary implications of the recommendations to be made by the Ministerial Meeting;

(e) Should this approach be accepted by the General Assembly, the following course of action will take place during 1992. First, the requested activities would be implemented with the resources to be appropriated by the General Assembly for section 21 for the biennium 1992-1993. It will be recalled that redeployments within a section of the programme budget are within the prerogative of the Secretary-General. Secondly, should possibility of redeployment from another section appear desirable, the Secretary-General would, according to established procedures, seek the concurrence of the Advisory Committee on Administrative and Budgetary Questions. Thirdly, a review of the workload and other aspects of the functioning of the Crime Prevention and Criminal Justice Branch, in relation to its additional mandates, would be undertaken by the Secretariat during the first part of 1992.

7. As regards operative paragraph 9 of the draft resolution (see para. 2 (c) above), should the Economic and Social Council, following a request by the General Assembly, decide to establish a new functional commission entitled "Commission on Crime Prevention and Criminal Justice" to replace the currently existing Committee on Crime Prevention and Control, the Commission, as with other functional commissions of the Economic and Social Council, would have to be provided with: (a) conference-servicing coverage for all its proceedings on the basis of established United Nations standards; and (b) travel expenses but not subsistence costs of the Commission's members, would be reimbursed by

the United Nations. The budgetary and other consequences of the change would be presented to the General Assembly at its forty-seventh session in the context of revised estimates resulting from decisions of the Economic and Social Council. It can be indicated at this stage that should existing rules and standards be applied to this Commission and should it meet annually, additional expenditures would be incurred.

8. The attention of the Ministerial Meeting is drawn to operative paragraph 9 (c) of the draft resolution (see para. 2 (c) (iii) above). It is felt that the recommendations contained in that paragraph are of an administrative and budgetary nature and fall outside the terms of reference of the Economic and Social Council as defined in the Charter of the United Nations and the Council's rules of procedure.

9. In summary, should the Ministerial Meeting recommend adoption by the General Assembly of the draft resolution contained in document A/CONF.156/2, paragraph 10, the General Assembly would be informed that the budgetary and programmatic implications of the requested activities and organizational changes would be submitted at its forty-seventh session.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II.

2/ Ibid., Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. I.